

#### REMARKS/ARGUMENTS

Claims 1, 2, 5-11, 13-21, 23 and 24 are pending in the present application.

Claims 1, 2, 5-11, 13-21, 23 and 24 have been rejected. Claims 1, 10 and 19 have been amended. No new matter has been entered as a result of these amendments. Applicants believe the following amendments place the claims in condition for allowance.

Support for the amendments to claims 1, 10 and 19 may at least be found at page 6, line 14 through page 7, line 5 of the specification, and in the specification, claims, and figures as originally filed.

The Examiner rejected hypothetically claims 1, 5-10, 13-20 and 23-24 under 35 U.S.C. §103(a) as being unpatentable over U.S.P.A.P. 2004/0086635A1 to Grossklaus, Jr. et al. in view of U.S.P.N. 6,387,541 to Gray et al.

The Examiner rejected claims 2, 11, and 21 under 35 U.S.C. §103(a) as being unpatentable over Grossklaus, Jr. et al. and Gray et al., as stated above, and further in view of U.S.P.N. 6,173,491 to Goodwater et al.

#### Rejections under 35 U.S.C. §103(a)

The Examiner rejected claims 1, 5-10, 13-20 and 23-24 under 35 U.S.C. §103(a) as being unpatentable over U.S.P.A.P. 2004/0086635A1 to Grossklaus, Jr. et al. in view of U.S.P.N. 6,387,541 to Gray et al.

Applicants have amended independent claims 1, 10, and 19 to generally recite in part, “positioning a laser apparatus over the article such that said laser forms a defocused hot zone at a distance above the affected section sufficient to prevent the article from melting; introducing a replacement section material into the defocused hot zone to heat the replacement section material; causing the replacement section material to form a replacement section on the article;”. Neither Grossklaus nor Gray teach, suggest or motivate one of ordinary skill in the art to using a laser to form a hot zone at a distance above the affected section sufficient to prevent the article from melting as recited in Applicants amended independent claims 1, 10, and 19.

For these reasons, Applicants respectfully request the withdrawal of the rejection against claims 1, 5-10, 13-20 and 23-24 under 35 U.S.C. §103(a) and allowance of claims 1, 5-10, 13-20 and 23-24.

The Examiner rejected claims 2, 11, and 21 under 35 U.S.C. §103(a) as being unpatentable over Grossklaus, Jr. et al. and Gray et al. in view of U.S.P.N. 6,173,491 to Goodwater et al.

The Examiner indicated the following in response to Applicants' remarks of December 28, 2005:

"In response to Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986)."

Applicants respectfully brings to the Examiner's attention that Applicants' remarks stated the Goodwater reference failed to cure the deficiencies present in both the Grossklaus and Gray references and then proceeded to explain why. Applicants were not attacking the references individually, but rather explaining why Goodwater when combined with Grossklaus and Gray failed to cure their deficiencies.

Applicants have amended independent claims 1, 10, and 19 to generally recite in part, "positioning a laser apparatus over the article such that said laser forms a defocused hot zone at a distance above the affected section sufficient to prevent the article from melting; introducing a replacement section material into the defocused hot zone to heat the replacement section material; causing the replacement section material to form a replacement section on the article;". Neither Grossklaus nor Gray teach, suggest or motivate one of ordinary skill in the art to using a laser to form a hot zone at a distance above the affected section sufficient to prevent the article from melting as recited in Applicants' amended independent claims 1, 10, and 19. Goodwater when combined with Grossklaus and Gray fail to cure their deficiencies as Goodwater also fails to teach, suggest or motivate one of ordinary skill in the art to use a laser to form a hot zone at a distance above the affected section sufficient to prevent the article from melting as recited in Applicants' amended independent claims 1, 10 and 19. The combination of

Grossklaus and Gray further in view of Goodwater fails to render obvious Applicants' claims 2, 11 and 21.

For these reasons, Applicants respectfully request the withdrawal of the rejection against claims 2, 11, and 21 under 35 U.S.C. §103(a) and allowance of claims 2, 11 and 21.

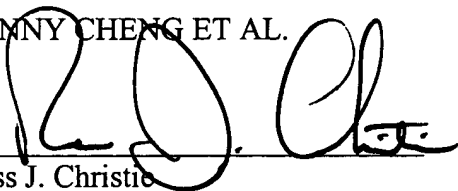
CONCLUSION

An earnest and thorough effort has been made to place all claims in this application in condition for allowance and respond to all issues set forth in the aforesaid Office action. If upon consideration of this response, the Examiner feels that any issues remain which could be disposed of by telephone interview, the undersigned respectfully requests and appreciates same.

It is believed that no additional fee is due in connection with this paper. If any fee is due, please charge same to Deposit Account No. 21-0279.

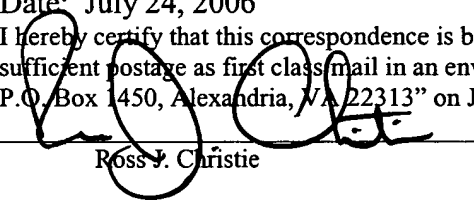
Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on July 24, 2006.

  
Ross J. Christie